

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3113 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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ARVIND MILLS LTD

Versus

UNION OF INDIA  
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Appearance:

MS VINITA VINAYAK FOR MR DM THAKKAR for Petitioner  
None present for Respondents  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/08/2000

ORAL JUDGEMENT

#. The matter was called out in the first round and arguments of Ms.Vinita Vinayak were heard but as the counsel for respondents were not present, the matter was kept back. Then it was called out in second and third rounds but none appeared for respondents.

#. Not only that nobody is present for respondents, the respondents have also not cared to file reply to the special civil application. The result of non filing of reply is that whatever averments made by petitioner on facts stand uncontroverted and the same are to be taken to be admitted. This course may be adopted by the court in cases where the Union of India has not cared to file reply to the special civil application but experience of the court also goes to show that in many matters, the facts are not correctly stated or material facts are being concealed. If any decision is given against the Union of India in the absence of reply as well as absence of counsel, in some cases it may result in loss to the public interest. So safer course is to dispose of this matter with directions to respondent No.2 to consider this writ petition as representation of the petitioner and to pass order in the matter within a period of one month from the date of receipt of writ of this order. Where the claim of the petitioner is accepted, then forthwith, the amount of Rs.22,765/= be paid to the petitioner and the petitioner shall also be entitled for interest on this amount @ 12% p.a. from the date of filing of the writ petition till payment thereof. Where the claim of the petitioner is not acceptable, a reasoned order has to be passed and a copy of the same be sent to the petitioner by registered post A.D. Liberty is granted to the petitioner for revival of the special civil application by filing a simple note where the order passed by respondent No.2 is adverse to it. The respondent - Union of India is directed to pay Rs.1,000/= as costs of this writ petition to the petitioner. Rule stands disposed of accordingly.

(S.K.Keshote, J.)

(sunil)